

FROM	TO	MEA	MAA
§95.7036 JET ROUTE NO. 36			
IS AMENDED TO READ IN PART			
MINEO, PA FIX	LAKE HENRY, PA VORTAC	18000	37000

### §95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
V-4			
IS AMENDED BY ADDING			
LEXINGTON, KY VORTAC	NEWCOMBE, KY VORTAC	37	LEXINGTON
V-493			
IS AMENDED BY ADDING			
LEXINGTON, KY VORTAC	YORK, KY VORTAC	41	LEXINGTON

[FR Doc. 92-13378 Filed 6-8-92; 8:45 am]  
BILLING CODE 4910-13-C



**OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION****25 CFR Part 700****New Lands Grazing Regulations**

**AGENCY:** Office of Navajo and Hopi Indian Relocation.

**ACTION:** Final rule.

**SUMMARY:** These rules amend grazing regulations for the lands which have been acquired pursuant to Public Law 96-305 for the use of Navajo families required to relocate under Public Law 93-531. The amendment has been requested by the Department of Justice because the government is involved in mediating a long-standing land dispute between the Hopi Tribe and the Navajo Nation. The intended effect of the rule is to extend the deadline for application for New Lands Grazing permits.

**EFFECTIVE DATE:** June 9, 1992.

**FOR FURTHER INFORMATION CONTACT:** Paul Tessler (Legal Counsel), Office of Navajo and Hopi Indian Relocation, at (602) 779-2721.

**SUPPLEMENTARY INFORMATION:** On April 2, 1991, the Office of Navajo and Hopi Indian Relocation (ONHIR) published in the *Federal Register* (Vol. 56 No. 63 at p. 13396) a final rule regarding New Lands Grazing Regulations. The rule, 25 CFR 700.709(d), provided that certain persons who were listed as eligible to receive grazing permits would be given priority status to be issued such permits provided they file an application for New Lands Grazing Permit by June 1, 1992, or thereafter lose their priority. Since publication of the regulation, the United States Court of Appeals for the Ninth Circuit ordered that certain cases concerning relocation issues, *Jenny Manybeads, et. al. v. United States of America*, 9th Circuit No. 90-15003, and *Vernon Masayeva v. Leonard Haskie*, 9th Circuit No. 90-15304, be remanded for settlement negotiations under the authority of United States Magistrate Judge Harry R. McCue. The settlement negotiations are still in progress. It has been determined by the Department of Justice that the June 1, 1992, deadline to apply for New Lands Grazing Permits as required by 25 CFR 700.709(d) could be detrimental to the settlement process. The Office of Navajo and Hopi Indian Relocation has been requested by the Department of Justice, the Department of Interior and the United States Magistrate to take immediate action to extend the deadline of June 1, 1992 for New Lands Grazing Applications. The date for application will be extended

until a new date for closure of receipt of applications is determined. A new rule will be published in the *Federal Register* giving notice of that date.

**Preamble:** The primary author of this document is Paul Tessler, Legal Counsel, Office of Navajo & Hopi Indian Relocation.

It has been determined that this final rule is not a major rule as that term is defined in Executive Order 12291, because it will have a limited economic impact on a small number of people and does not require a regulatory analysis. It has been determined that the final rule will not have a significant economic impact on a substantial number of small entities with the meaning of Regulatory Flexibility Act, 5 U.S.C., 601 et. seq.

This rule does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969.

The rule does not contain information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C., 3501 et seq.

**List of Subjects in 25 CFR Part 700**

Administrative practice and procedure, Conflict of Interest, Freedom of Information, Grant program—Indians, Indian—claims, Privacy, Real property acquisition, Relocation assistance, and New Lands Administration.

Accordingly, the Office is amending chapter IV as follows:

1. Authority citation for part 700 continues to read as follows:

**Authority:** Pub. L. 99-590; Pub. L. 93-531, 88 Stat. 1712 as amended by Pub. L. 96-305, 94 Stat. 929, Pub. L. 100-666, 102 Stat. 3929 (25 U.S.C. 640d).

2. Section 700.709 is amended by revising paragraph (d) to read as follows:

**§ 700.709 Grazing privileges.**

\* \* \* \* \*

(d) Persons on this list must file an application for a New Lands Grazing Permit. The Commissioner will determine when the application period will close and will publish notice of that date. After the close of the period for application, the Commissioner, in his sole discretion, may issue permits to individuals if it is determined that to do so will facilitate relocation.

\* \* \* \* \*

Dated: June 3, 1992.

Christopher J. Bavasi,  
Executive Director, Office of Navajo and Hopi Indian Relocation.

[FR Doc. 92-13447 Filed 6-8-92; 8:45 am]

BILLING CODE 7560-01-M

**DEPARTMENT OF DEFENSE****Office of the Secretary****32 CFR Part 208**

[DoD Instruction 4650.4]

**Federal Radionavigation Plan**

**AGENCY:** Office of the Secretary of Defense, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Department of Defense hereby removes 32 CFR part 208 (DoD Instruction 4650.4). This part has served the purpose for which it was issued and is no longer valid.

**EFFECTIVE DATE:** June 5, 1992.

**FOR FURTHER INFORMATION CONTACT:** L.M. Bynum, Correspondence and Directives Directorate, Washington Headquarters Services, Pentagon, Washington, DC 20301-1155.

**SUPPLEMENTARY INFORMATION:****List of Subjects in 32 CFR Part 208**

Armed forces; Radio.

**PART 208—[REMOVED]**

Accordingly, by the authority of 10 U.S.C. 131, 32 CFR part 208 is removed.

Dated: June 4, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-13468 Filed 6-8-92; 8:45 am]

BILLING CODE 3810-01-M

**DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 4****Schedule for Rating Disabilities; Correction**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to final regulations, which were published Thursday, August 11, 1988, (53 FR 30281-4), and Friday, December 1, 1989, (54 FR 49754-5). The regulations related to tables in the



Schedule for Rating Disabilities for evaluating impairment of muscle function (diplopia) and diseases of the peripheral nerves.

**EFFECTIVE DATE:** September 12, 1988 for diagnostic codes 6091 and 6092, and November 24, 1989 for diagnostic codes 8510 through 8719.

**FOR FURTHER INFORMATION CONTACT:** Bob Seavey, Consultant, Regulations Staff (211B), Compensation and Pension Service, Veterans Benefits Administration, (202) 233-3005.

**SUPPLEMENTARY INFORMATION:** On August 11, 1988, VA amended § 4.84a in its rating schedule by publishing a new method for evaluating diplopia under diagnostic code 6090. The disabilities classified under diagnostic codes 6091 (symblepharon) and 6092 (diplopia due to limited muscle function) were inadvertently omitted from the schedule as a result of this change which was effective September 12, 1988. Similarly, effective November 24, 1989, VA amended § 4.124a by publishing a correction to the table of Diseases of the Peripheral Nerves on December 1, 1989. The neurological conditions classified under diagnostic codes 8510 through 8719 were also omitted inadvertently at that time. These omissions are hereby restored.

#### List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

Dated: May 22, 1992.

**B. Michael Berger,**  
Director, Records Management Service.

For the reasons set out in the preamble, 38 CFR part 4, subpart B, is corrected by making the following correcting amendments:

1. The authority citation for part 4 continues to read as follows:

Authority: 72 Stat. 1125; 38 U.S.C. 1155.

2. In 4.84a, the chart entitled "Ratings for Impairment of Muscle Function" is revised to read as follows:

#### § 4.84a Schedule of ratings—eye.

\* \* \*

#### RATINGS FOR IMPAIRMENT OF MUSCLE FUNCTION

[6090 Diplopia (double vision)]

Degree of diplopia	Equivalent visual acuity
(a) Central 20°	5/200
(b) 21° to 30°:	
(1) Down	15/200
(2) Lateral	20/100
(3) Up	20/70

#### RATINGS FOR IMPAIRMENT OF MUSCLE FUNCTION—Continued

[6090 Diplopia (double vision)]

Degree of diplopia	Equivalent visual acuity
(c) 31° to 40°:	
(1) Down	20/200
(2) Lateral	20/70
(3) Up	20/40

Notes: (1) Correct diagnosis reflecting disease or injury should be cited.

(2) The above ratings will be applied to only one eye. Ratings will not be applied for both diplopia and decreased visual acuity or field of vision in the same eye. When diplopia is present and there is also ratable impairment of visual acuity or field of vision of both eyes the above diplopia ratings will be applied to the poorer eye while the better eye is rated according to the best corrected visual acuity or visual field.

(3) When the diplopia field extends beyond more than one quadrant or more than one range of degrees, the evaluation for diplopia will be based on the quadrant and degree range that provide the highest evaluation.

(4) When diplopia exists in two individual and separate areas of the same eye, the equivalent visual acuity will be taken one step worse, but no worse than 5/200.

#### 6091 Symblepharon.

Rate as limited muscle function, diagnostic code 6090.

#### 6092 Diplopia, due to limited muscle function.

Rate as diagnostic code 6090.

3. In 4.124a, the chart entitled "Diseases of the Peripheral Nerves" is revised to read as follows:

#### § 4.124a Schedule of ratings—neurological conditions and convulsive disorders.

\* \* \*

#### DISEASES OF THE PERIPHERAL NERVES

Schedule of ratings	Rating	
	Major	Minor
The term "incomplete paralysis," with this and other peripheral nerve injuries, indicates a degree of lost or impaired function substantially less than the type picture for complete paralysis given with each nerve, whether due to varied level of the nerve lesion or to partial regeneration. When the involvement is wholly sensory, the rating should be for the mild, or at most, the moderate degree. The ratings for the peripheral nerves are for unilateral involvement; when bilateral, combine with application of the bilateral factor.		

#### DISEASES OF THE PERIPHERAL NERVES—Continued

Schedule of ratings	Rating	
	Major	Minor
<b>Upper radicular group (fifth and sixth cervicals)</b>		
8510 Paralysis of:		
Complete; all shoulder and elbow movements lost or severely affected, hand and wrist movements not affected	70	60
Incomplete:		
Severe	50	40
Moderate	40	30
Mild	20	20
8610 Neuritis.		
8710 Neuralgia.		
<b>Middle radicular group</b>		
8511 Paralysis of:		
Complete; adduction, abduction and rotation of arm, flexion of elbow, and extension of wrist lost or severely affected	70	60
Incomplete:		
Severe	50	40
Moderate	40	30
Mild	20	20
8611 Neuritis.		
8711 Neuralgia.		
<b>Lower radicular group</b>		
8512 Paralysis of:		
Complete; all intrinsic muscles of hand, and some or all of flexors of wrist and fingers, paralyzed (substantial loss of use of hand)	70	60
Incomplete:		
Severe	50	40
Moderate	40	30
Mild	20	20
8612 Neuritis.		
8712 Neuralgia.		
<b>All radicular groups</b>		
8513 Paralysis of:		
Complete	60	60
Incomplete:		
Severe	70	60
Moderate	40	30
Mild	20	20
8613 Neuritis.		
8713 Neuralgia.		
<b>The musculospiral nerve (radial nerve)</b>		
8514 Paralysis of:		
Complete; drop of hand and fingers, wrist and fingers perpetually flexed, the thumb adducted falling within the line of the outer border of the index finger; can not extend hand at wrist, extend proximal phalanges of fingers, extend thumb, or make lateral movement of wrist; supination of hand, extension and flexion of elbow weakened, the loss of synergic motion of extensors impairs the hand grip seriously; total paralysis of the triceps occurs only as the greatest rarity	70	60
Incomplete:		
Severe	50	40
Moderate	30	20
Mild	20	20



DISEASES OF THE PERIPHERAL NERVES—  
Continued

Schedule of ratings	Rating	
	Major	Minor
8614 Neuritis.		
8714 Neuralgia.		
Note: Lesions involving only "dissociation of extensor communis digitorum" and "paralysis below the extensor communis digitorum," will not exceed the moderate rating under code 8514.		
<b>The median nerve</b>		
8515 Paralysis of:		
Complete; the hand inclined to the ulnar side, the index and middle fingers more extended than normally, considerable atrophy of the muscles of the thenar eminence, the thumb in the plane of the hand (ape hand); pronation incomplete and defective, absence of flexion of index finger and feeble flexion of middle finger, cannot make a fist, index and middle fingers remain extended; cannot flex distal phalanx of thumb, defective opposition and abduction of the thumb, at right angles to palm; flexion of wrist weakened; pain with trophic disturbances...	70	60
Incomplete:		
Severe.....	50	40
Moderate.....	30	20
Mild.....	10	10
8615 Neuritis.		
8715 Neuralgia.		
<b>The ulnar nerve</b>		
8516 Paralysis of:		
Complete; the "griffin claw" deformity, due to flexor contraction of ring and little fingers, atrophy very marked in dorsal interspace and thenar and hypothenar eminences; loss of extension of ring and little fingers cannot spread the fingers (or reverse), cannot adduct the thumb; flexion of wrist weakened.....	60	50
Incomplete:		
Severe.....	40	30
Moderate.....	30	20
Mild.....	10	10
8616 Neuritis.		
8716 Neuralgia.		
<b>Musculocutaneous nerve</b>		
8517 Paralysis of:		
Complete; weakness but not loss of flexion of elbow and supination of forearm.....	30	20
Incomplete:		
Severe.....	20	20
Moderate.....	10	10
Mild.....	0	0
8617 Neuritis.		
8717 Neuralgia.		
<b>Circumflex nerve</b>		
8518 Paralysis of:		
Complete; abduction of arm is impossible, outward rotation is weakened; muscles supplied are deltoid and teres minor.....	50	40
Incomplete:		
Severe.....	30	20

DISEASES OF THE PERIPHERAL NERVES—  
Continued

Schedule of ratings	Rating	
	Major	Minor
Moderate.....	10	10
Mild.....	0	0
8618 Neuritis.		
8718 Neuralgia.		
<b>Long thoracic nerve</b>		
8519 Paralysis of:		
Complete; inability to raise arm above shoulder level, winged scapula deformity.....	30	20
Incomplete:		
Severe.....	20	20
Moderate.....	10	10
Mild.....	0	0
Note: Not to be combined with lost motion above shoulder level.		
8619 Neuritis.		
8719 Neuralgia.		
Note: Combined nerve injuries should be rated by reference to the major involvement, or if sufficient in extent, consider radicular group ratings.		
		Rating
<b>Sciatic nerve</b>		
8520 Paralysis of:		
Complete; the foot dangles and drops, no active movement possible of muscles below the knee, flexion of knee weakened or (very rarely) lost.....	80	
Incomplete:		
Severe, with marked muscular atrophy ..	60	
Moderately severe.....	40	
Moderate.....	20	
Mild.....	10	
8620 Neuritis.		
8720 Neuralgia.		
<b>External popliteal nerve (common peroneal)</b>		
8521 Paralysis of:		
Complete; foot drop and slight droop of first phalanges of all toes, cannot dorsiflex the foot, extension (dorsal flexion) of proximal phalanges of toes lost; abduction of foot lost, adduction weakened; anesthesia covers entire dorsum of foot and toes.....	40	
Incomplete:		
Severe.....	30	
Moderate.....	20	
Mild.....	10	
8621 Neuritis.		
8721 Neuralgia.		
<b>Musculocutaneous nerve (superficial peroneal)</b>		
8522 Paralysis of:		
Complete; eversion of foot weakened.....	30	
Incomplete:		
Severe.....	20	
Moderate.....	10	
Mild.....	0	
8622 Neuritis.		
8722 Neuralgia.		
<b>Anterior tibial nerve (deep peroneal)</b>		
8523 Paralysis of:		
Complete; dorsal flexion of foot lost.....	30	
Incomplete:		

	Rating
Severe.....	20
Moderate.....	10
Mild.....	0
8623 Neuritis.	
8723 Neuralgia.	
<b>Internal popliteal nerve (tibial)</b>	
8524 Paralysis of:	
Complete; plantar flexion lost, frank adduction of foot impossible, flexion and separation of toes abolished; no muscle in sole can move; in lesions of the nerve high in popliteal fossa, plantar flexion of foot is lost.....	40
Incomplete:	
Severe.....	30
Moderate.....	20
Mild.....	10
8624 Neuritis.	
8724 Neuralgia.	
<b>Posterior tibial nerve</b>	
8525 Paralysis of:	
Complete; paralysis of all muscles of sole of foot, frequently with painful paralysis of a causalgic nature; toes cannot be flexed; adduction is weakened; plantar flexion is impaired.....	30
Incomplete:	
Severe.....	20
Moderate.....	10
Mild.....	10
8625 Neuritis.	
8725 Neuralgia.	
<b>Anterior crural nerve (femoral)</b>	
8526 Paralysis of:	
Complete; paralysis of quadriceps extensor muscles.....	40
Incomplete:	
Severe.....	30
Moderate.....	20
Mild.....	10
8626 Neuritis.	
8726 Neuralgia.	
<b>Internal saphenous nerve</b>	
8527 Paralysis of:	
Severe to complete.....	10
Mild to moderate.....	0
8627 Neuritis.	
8727 Neuralgia.	
<b>Obturator nerve</b>	
8528 Paralysis of:	
Severe to complete.....	10
Mild or moderate.....	0
8628 Neuritis.	
8728 Neuralgia.	
<b>External cutaneous nerve of thigh</b>	
8529 Paralysis of:	
Severe to complete.....	10
Mild or moderate.....	0
8629 Neuritis.	
8729 Neuralgia.	
<b>Ilio-inguinal nerve</b>	
8530 Paralysis of:	
Severe to complete.....	10
Mild or moderate.....	0
8630 Neuritis.	
8730 Neuralgia.	
8540 Soft-tissue sarcoma (of neurogenic origin).....	100



Rating

**Note:** The 100 percent rating will be continued for 6 months following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.

[FR Doc. 92-13189 Filed 6-8-92; 8:45 am]

BILLING CODE 8320-01-M

### 38 CFR Part 21

RIN 2900-AF13

#### Dependents' Education; Verification of Pursuit and Continued Enrollment

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final regulations.

**SUMMARY:** These amended regulations require most students receiving Dependents' Educational Assistance to submit a monthly verification of pursuit and enrollment or continued enrollment in order to receive educational assistance. The intent of these regulations is to prevent overpayments to these students. The amended regulations also contain a change to the effective date for reductions in Dependents' Educational Assistance.

**EFFECTIVE DATE:** August 1, 1993.

#### FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2092.

**SUPPLEMENTARY INFORMATION:** On pages 49735 through 49737 of the Federal Register of October 1, 1991, there was published a Notice of Intent to amend 38 CFR part 21 in order to require individuals receiving Dependents' Educational Assistance to submit monthly verifications of pursuit and enrollment. Individuals were given 30 days to submit comments, suggestions or objections. VA received one letter from an educational organization containing objections.

At present, veterans pursuing a program of education under the Montgomery GI Bill—Active Duty have to submit a monthly verification of pursuit before receiving their monthly benefit payment. The letter writer examined this program in determining how he thought this same requirement would work in Dependents' Educational Assistance.

He pointed out that some overpayments in the Montgomery GI Bill—Active Duty are caused by VA (Department of Veterans Affairs) error. Others are caused by veterans who do not verify their own pursuit correctly. The writer suggested that VA, in order to make monthly verifications of pursuit appear to be cost effective for Dependents' Educational Assistance, was including the cost reductions caused by these errors.

VA wishes to assure the public that this is not so. When VA did its study, it examined the complete records of many veterans. The department discovered that as of the time of the study 7.47% of the overpayments under the Montgomery GI Bill—Active Duty were due to VA error. Claimant error accounted for 10.27% of the overpayments. The study does not count the reductions in benefits made by these errors as part of the cost savings to be realized by implementing monthly verifications of pursuit for Dependents' Educational Assistance, because when VA discovers these errors it corrects them. Neither does the study suggest that monthly verifications of pursuit will eliminate all overpayments resulting from these or other causes. It does show that there will be substantial reductions in the amount of overpayments under Dependents' Educational Assistance.

VA is making the amended regulations final. However, the final regulations differ somewhat from those which were proposed.

Subsequent to the proposal of October 1, 1991, VA made final amended regulations which implement some provisions of the Veterans' Educational Assistance Amendments of 1991. One of those amended regulations was 38 CFR 21.4135(s). The amended § 21.4135(s) which appears here reflects the changes made by that amendment.

Furthermore, the authority citations printed in the proposal of October 1, 1991, reflected the way in which the sections of title 38, U.S. Code were numbered before the enactment of Public Law 102-83. Since Public Law 102-83 renumbered those cited sections, the authority citations reflect the numbering system introduced by that law.

The Department of Veterans Affairs has determined that these amended regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulations will not have a \$100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment,

productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Veterans Affairs has certified that these amended regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the amended regulations directly affect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

#### The Paperwork Reduction Act

The amendment to § 21.4204 requires an increased information collecting burden for individuals, while at the same time reducing the information burden for educational institutions. Currently, dependents who are enrolled in courses not leading to a standard college degree and those pursuing apprenticeships and other on-job training certify their continued pursuit to VA monthly. Those enrolled in courses leading to a standard college degree do not. Requiring all to submit a monthly certification will result in a public report burden of 5 minutes per response and a total of an additional 20,500 burden hours during fiscal year 1992. Since VA projects a small but steady decline in those receiving dependents' educational assistance in subsequent fiscal years, the number of annual hours will decline also during those years.

All individuals receiving benefits under the Montgomery GI Bill—Active Duty must submit this monthly certification. The information collection has been approved under OMB number 2900-0465. As required by section 3504(h) of the Paperwork Reduction Act, VA submitted to OMB (the Office of Management and Budget) a request that it modify its current approval to include the additional hours required by these amended regulations. This request has been approved.

The Catalog of Federal Domestic Assistance number for the program affected by this proposal is 64.117.

#### List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—